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CORRESPONDENCE.

From the report of a decision rendered by the Civil Justice of Richmond, the Hon. Wm. M. Turpin, and furnished to us by a valued correspondent, a new and heretofore unsuspected liability has been discovered attaching to the masculine party to an engagement to marry. He must remain alive or at least he cannot, without dire consequences to his estate, intentionally cut short his mortal existence, and the liability he may so incur depends on the degree of elaborateness of the preparations made by his fiancée for the wedding. We have Mr. Edwin P. Cox, of the Richmond bar, to thank for the report, and while we are averse to wholly endorsing the soundness of the decision, unfortified as it is by authority, it is certainly novel. Might not damages for injury to fiancée's feelings have been allowed upon the same principle?

IN THE COURT OF THE CIVIL JUSTICE OF THE CITY OF RICHMOND, VIRGINIA,
FEBRUARY 8TH, 1911.

One Swann, a colored man, was engaged to be married to a young woman of his own race, who was, by occupation, a school teacher.

In anticipation of her approaching marriage the young woman spent sums of money in purchasing a wedding dress, other wearing apparel and certain articles of personal adornment; and, in addition thereto bought fittings for the room which she and Swann were to occupy after their marriage. The expenditure would not have been made except in anticipation of the marriage and were only such as were customary to her station in life. Swann shortly before the time set for his marriage committed suicide. Certain of the articles thus purchased and paid for by the prospective bride could be used by her, or were given away by her; other of the articles were useless to her and could have been used only in case of her marriage.

A warrant was brought before the Civil Justice of the City of Richmond, Virginia, against Swann's estate for the recovery of the money spent. The bride to be was offered a witness in the case.

Held: 1. That the warrant would lie, because Swann, by committing suicide, caused by his own act the failure of the consummation of his engagement of marriage.

2. Recovery by claimant was limited to such articles as were rendered worthless to claimant because the marriage did not take place.

3. Claimant was offered as a witness and her testimony was admitted, notwithstanding the fact that Swann was dead, because by his own act he had caused the violation of the contract and his estate was estopped from claiming the exception in the statute that where one party to a contract is dead, the other cannot testify. It cannot be supposed that the Legislature intended that the deliberate and wicked act of decedent should raise a statutory bar to protect his estate by rendering plaintiff incapable of testifying.

The claimant's testimony was corroborated by other witnesses and the case could be established without her evidence.